THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9630 OF 2007

DATED 01.05.2007

BETWEEN

Mr.Nyatha Narsaiah and others

… Petitioners

AND

The Revenue Divisional Officer, Sircilla, Karimnagar District and others.

… Respondents

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9630 OF 2007

ORDER:

The petitioners are residents of Chandragiri village of Vemulavada Mandal in Karimnagar District. They filed the writ petition seeking a writ of

Mandamus declaring the action of first respondent in directing second respondent to send proposals for alienation of land admeasuring Acs.8.35 guntas in survey No.4 of Thetekunta hamlet of Chandragiri village in favour of Department of Endowments, as illegal and contrary to Board Standing Orders (BSO). The petitioners also seek a consequential direction to set aside the proceedings of first respondent impugned in the writ petition.

The writ petition is silent as to how the petitioners are aggrieved by communication of first respondent advising second respondent to send alienation proposals. The affidavit accompanying the writ petition also does not give any details in this regard except referring to the writ petitions pending before this Court in W.P.Nos.3081 of 2004, 9742 of 2005 and 3134 of 2006. Be that as it is, a perusal of impugned communication and the communication of sixth respondent to first respondent pursuant to which impugned communication was issued, reveals following position. Department of Endowments initiated action for registration of seventh respondent as charitable institution classified under Sections 6(c)(1) and 43 of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987. In that connection, the Commissioner of Endowments – fourth respondent; sent a letter dated 26.07.2006, requesting for necessary proposals for alienation of land admeasuring Acs.8.35 guntas in survey No.4. In obedience to the orders of fourth respondent, sixth respondent addressed a communication bearing No.I.N.S/Jagtial/alienation/2007, dated 22.03.2007, to first respondent duly enclosing necessary proposals. It was only in response thereto first respondent issued communication to second respondent asking him to send alienation proposals.

The main objection of petitioners is that when the writ petitions regarding the correct area in possession of seventh respondent is pending, it was improper for the authorities to send proposals for alienation of entire extent of Acs.8.35 guntas in survey No.4 as if the entire land is in their possession. Secondly, petitioners are also aggrieved that at one point of time, the land was intended for assignment as house sites in favour of weaker sections. The third objection is that it is not competent for respondents 1 and 2 to alienate the property in favour of Endowments Department.

There cannot be any doubt – nor it is disputed; by learned Assistant Government Pleader that the Tahsildar and Revenue Divisional Officer are primary authorities to send proposals for alienation of Government land in favour of Endowments Department or religious/charitable institutions. Ultimately, it is only the Government or the Chief Commissioner of Land Administration, as the case may be, who are proper authorities to issue alienation orders. When the Executive Officers of Revenue Department initiate action for alienating Government land, the same cannot be nullified as without jurisdiction. Indeed, as rightly contended by learned Assistant Government Pleader, writ petition is premature. Whether or not the writ petitions are pending with regard to claim of seventh respondent, it is only

after the Government decides for alienating, anybody can be said to be aggrieved. The petitioners have not even clearly stated as to how they are aggrieved by first respondent asking second respondent to send alienation proposals.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

01.05.2007.
pln